

Self-styled healer Serge Benhayon leads 'socially harmful cult': jury

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Former Sydney tennis coach turned self-styled spiritual healer Serge Benhayon has suffered a spectacular loss in his Supreme Court defamation case against a former client, after a four-person jury found it was true to say he led a "socially harmful cult", "intentionally indecently touched" clients and made "bogus healing claims".

Serge Benhayon, 54, sued acupuncturist and former client Esther Rockett for defamation over a series of blog posts and tweets starting in November 2014, which he says portrayed him as "dishonest", a "charlatan who makes fraudulent medical claims", and the leader of a "socially harmful cult".



Serge Benhayon, centre, outside the Supreme Court during his defamation case against Esther Rockett. AAP

Mr Benhayon, a former bankrupt who operates the lucrative business Universal Medicine from his home near Lismore in the NSW Northern Rivers region, described himself in court as a "teacher" and "practitioner" whose healing techniques included "esoteric breast massage", which is taught by him but performed exclusively by women.

During his stint in the witness box, Mr Benhayon also said he "had an understanding" that in one of his [many past lives he was Leonardo da Vinci](#).

He was flanked in court by numerous supporters, including family members and associates who kept a watchful eye on media coverage of the case, but numbers dwindled to a handful of stalwarts as the trial dragged on. Mr Benhayon himself did not attend every day of the trial and he was not in court on Monday when the verdict was delivered.

Ms Rockett had accused Mr Benhayon of performing a "sleazy ovarian reading" on her during a treatment session that involved inappropriate touching through her clothing.



Esther Rockett (left) leaves the Supreme Court in Sydney. AAP

The jury found Ms Rockett had established a defence of substantial truth to the bulk of the defamatory meanings pleaded by Mr Benhayon, including that he "intentionally indecently touched" her and a number of other clients during treatment sessions and was "the leader of a socially harmful cult".

They found the publications did not convey that he was a "sexual predator who has preyed on a number of clients", so a substantive defence to that meaning was not required.

However, the jury found it was also substantially true to suggest, as Ms Rockett claimed, that there were "reasonable grounds to believe" Mr Benhayon intentionally sexually preyed upon her and other clients during treatment sessions.

They also found it was true to say Mr Benhayon was the leader of Universal Medicine, "a group which to his knowledge makes false claims about healing that causes harm to others", and he had an "indecent interest in young girls as young as ten whom he causes to stay at his house unaccompanied".

Ms Rockett said "the jury has validated my criticisms of this cult and its leader" and the jury had "made the decision I had hoped for".

The case was highly complex and hard-fought, with Mr Benhayon claiming the 22 publications conveyed a total of 60 defamatory imputations about him.

In a multi-pronged legal defence, Ms Rockett's lawyers said the imputations were either not conveyed by the publications, or a defence of truth, honest opinion or qualified privilege was available.

The four-person jury was given the unenviable task of deciding whether the publications in fact conveyed the alleged imputations and, if so, whether Ms Rockett had established a defence. To complete that task, the jury had to provide a yes or no answer to more than 200 questions. Their deliberations took six-and-a-half days.

Ms Rockett, who is bankrupt, was unable to fund her legal defence but was represented in court by Sydney barristers Tom Molomby, SC, and Louise Goodchild.

In his closing address to the jury, Mr Molomby said Mr Benhayon was “just a conman from Goonellabah” and was “not Mona Lisa anymore” but “Mona Liar”.

The jury found a handful of defamatory meanings were not defensible on the basis of truth or honest opinion, including that Mr Benhayon was “delusional” and had allegedly “groped the anus and vulva of various women under the guise of treating them”.

But in those cases the jury said a defence of qualified privilege was available because the publications were reasonable in the circumstances and she was not “actuated by malice”. Supreme Court Judge Julia Lonergan, who presided over the trial, is now expected to be asked to decide a remaining legal issue in relation to that defence to determine if it is established.

Ms Rockett’s solicitor, Stewart O’Connell of O’Brien Solicitors, said the verdict was a “victory against a Goliath organisation by a woman who refused to be bullied” and was a “vindication of Ms Rockett”.

The parties return to court on December 7.



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